

**Advisory Committee Regulations
made under clause 15(1)(c) of the
Dairy Industry Act
S.N.S. 2000, c. 24
N.S. Reg. 247/2023 (effective January 1, 2024)**

Citation

1 These regulations may be cited as the *Advisory Committee Regulations*.

Interpretation

2 In these regulations,

“ACM” means the Advisory Committee for Milk established by [Section 3](#);

“ACT” means the Advisory Committee for Transportation established by [Section 13](#);

“Board representative” means a member of the ACM appointed under ~~subsection~~ [clause] 4(1)(a) or a member of the ACT appointed under ~~subsection~~ [clause] 15(1)(a), as the case may be;

“processor representative” means a representative of a processor appointed under ~~subsection~~ [clause] 4(1)(b);

“Transporters” means all persons licensed by the Board to transport milk in Nova Scotia under [Section 3](#) of the *Bulk Haulage Regulations*; and

“transporter representative” means a representative of a transporter appointed under ~~subsection~~ [clause] 15(1)(b).

Advisory Committee for Milk established

3 The Advisory Committee for Milk is established to advise and make recommendations to the Board on

- (a) promoting harmonious relationships between persons engaged in the producing and marketing of milk;
- (b) promoting greater efficiency in the marketing of milk;
- (c) preventing and correcting irregularities and inequities in the marketing of milk;
- (d) improving circulation of market information respecting milk; and
- (e) any matter with respect to which the Board may make regulations under the Act.

Constitution of Committee

4 (1) The ACM consists of 5 members as follows:

- (a) two members appointed annually by the Board, each to serve a 1-year term;
 - (b) two members appointed annually by the Processor Association, each to serve a 1-year term subject to [Section 5](#);
 - (c) the chair of the ACM appointed by the ACM, to serve a 3-year term, subject to annual review, who is
 - (i) approved by the Board representatives and processor representatives, and
 - (ii) not a producer, processor, or distributor of dairy products.
- (2) The Board must appoint a secretary of the ACM.
- (3) If a member of the ACM dies, resigns, or becomes unavailable to act before the expiration of their term as an ACM member, the Board or the Processor Association appointing such person, as the case may be, must appoint a member to serve for the remainder of that term.
- (4) Any Committee member may be reappointed.

Processor representatives

- 5**
- (1) At least 60 days prior to the appointments of the processor representatives expiring, the Board must contact the Processor Association requesting the names of appointees for the coming year.
 - (2) If no appointments are made within the 60 days referenced in subsection (1), the Board must send a second request to the Processor Association by registered mail.
 - (3) If no appointments are made within 30 days of the request in subsection (2) being mailed, the Board may appoint processor representatives to the ACM.
 - (4) Processor representatives appointed under [Section 4](#) must represent different processors.
 - (5) If there is a reorganization, merger, or consolidation of processors during any term of processor representatives, the Processor Association may appoint new processor representatives for the remainder of that term.
 - (6) The ACM must identify and implement ways of including the input of all processors in the representation of processors on the Committee.

Observers

- 6**
- (1) The Board may appoint 1 observer to sit on the ACM in a non-voting capacity.
 - (2) Each processor representative may appoint 1 observer to sit on the Committee in a non-voting capacity.
 - (3) The Council must appoint 1 observer to sit on the ACM in a non-voting capacity.
 - (4) At the beginning of each meeting, the secretary must record who is present as voting members and who is present as observers for the purpose of voting in accordance with [Section 9](#).

Costs

- 7
- (1) The Board is responsible for the costs of the secretary, Board representatives, and any observer appointed by the Board.
 - (2) Each processor representative is responsible for their own costs and for the costs of any observer appointed by the processor representative.
 - (3) The remuneration paid to the chair of the ACM and the terms of any contract for services with the chair must be mutually agreeable between the Board representatives and the processor representatives.
 - (4) All chair remuneration and Committee meeting costs must be shared between the Board and the processor representatives, with the Board paying 50% of the costs and the processor representatives each paying 25% of the costs.

Quorum

- 8 A quorum for voting is 4 Committee members, consisting of 2 Board representatives and 2 processor representatives.

Voting

- 9
- (1) All decisions of the ACM must be unanimous.
 - (2) The Board representatives collectively have 1 vote, and the processor representatives collectively have 1 vote.
 - (3) The chair does not have a vote.
 - (4) The collective vote of the Board representatives and the collective vote of the processor representatives is determined in accordance with the following chart:

		Vote of Board/processor representative 1		
		Yes	No	Abstain
Vote of Board/processor representative 2	Yes	Yes	No consensus	Yes
	No	No consensus	No	No
	Abstain	Yes	No	Abstain

- (5) The outcome of a vote at the ACM is determined in accordance with the following chart:

		Collective vote of Board representatives			
		Yes	No	Abstain	No consensus
Collective vote of processor representatives	Yes	Yes	No decision	Yes	No decision
	No	No decision	No	No	No decision
	Abstain	Yes	No	Abstain	No decision
	No consensus	No decision	No decision	No decision	No decision

- (6) Where one or more ACM members abstain from voting and all other votes are unanimous, the abstained vote will not be counted and the decision will be unanimous.
- (7) The secretary must record the votes of all 4 of the voting members, including any abstentions from voting.

Voting when member absent

- 10 (1) If a Board representative is absent from a meeting, an observer appointed by the Board under [subsection 6\(1\)](#) is considered a Board representative for the purpose of [Section 9](#) and has the same voting rights as a Board representative.
- (2) If a processor representative is absent from a meeting, an observer appointed by that processor representative under [subsection 6\(2\)](#) is considered a processor representative for the purpose of [Section 9](#) and has the same voting rights as the processor representative.

Decision making

- 11 (1) If the ACM is unable to reach a decision after an issue has been discussed at a minimum of 4 meetings, over a maximum of 3 months, the chair may propose a 30-day cooling-off period.
- (2) If a decision has not been reached under subsection (1), including after a cooling-off period, the chair may refer the matter to mediation, provided that at least 3 out of 4 voting Committee members agree.
- (3) If a decision has not been reached under subsections (1) or (2), the chair, or the secretary if the chair is unavailable, must refer the matter to the Council for arbitration in accordance with [Section 12](#).

Arbitration

- 12 (1) The ACM must send a request for arbitration to the Council in writing, and the request must demonstrate why the ACM was unable to reach a decision under [Section 11](#).
- (2) The Council has the discretion to determine whether to arbitrate an issue referred to it under this Section.
- (3) The Council must determine whether to hear the matter within 14 days of receiving the request.
- (4) If the Council determines it will not hear the matter, the Committee must refer the matter to an arbitrator on a panel of arbitrators maintained for this purpose.
- (5) Unless otherwise agreed to by both parties, or the Council determines otherwise, a matter arbitrated under this regulation must be heard:
 - (a) if Council determines to hear the matter, within 21 days of the decision to hear it;
 - (b) if an arbitrator is appointed to hear the matter, within 21 days of the appointment.
- (6) A decision of an arbitrator, including the Council, must be delivered within 14 days following the conclusion of the hearing, unless the Council determines otherwise.
- (7) The decision of an arbitrator, including the Council, is final and binding on the processors and the Board.

- (8) All costs of the arbitration and the mediation must be equally shared by the Board and the processors.

Advisory Committee for Transportation established

13 The Advisory Committee for Transportation is established to advise and make recommendations to the Board on

- (a) promoting harmonious relationships between producers and persons transporting milk;
- (b) promoting greater efficiency in the transporting of milk;
- (c) any aspect of bulk milk transportation with respect to which the Board may make regulations under the Act.

Decision of Advisory Committee for Milk supersedes decision of Advisory Committee for Transportation

14 Where a decision of the ACT and the ACM conflict, the decision of the ACM shall supersede the decision of the ACT.

Constitution of the Committee

15 (1) The ACT consists of 5 members as follows:

- (a) two members appointed annually by the Board, each to serve a 1-year term;
 - (b) two members appointed annually by the Transporters, each to serve a 1-year term subject to [Section 16](#);
 - (c) the chair of the ACT appointed by the ACT, to serve a 3-year term, subject to annual review, who is
 - (i) a non-voting member,
 - (ii) approved by the board representatives and transporter representatives, and
 - (iii) not a producer, processor, or distributor of dairy products.
- (2) The Board shall appoint a secretary for the ACT.
- (3) If a member of the ACT dies, resigns, or becomes unavailable to act before the expiration of their term as an ACT member, the Board or transporters appointing such person, as the case may be, must appoint a member to serve for the remainder of that term.
- (4) Any ACT member may be reappointed.
- (5) Transporter representatives appointed under [clause 15\(1\)\(b\)](#) must represent different transporters.

Transporter representatives

16 (1) At least 60 days prior to the appointments of the transporter representatives expiring, the Board must contact the Transporters requesting the names of appointees for the coming year.

- (2) If no appointments are made within the 60 days referenced in subsection (1), the Board must send a second request to the Transporters by registered mail.
- (3) If no appointments are made within 30 days of the request in subsection (2) being mailed, the Board may appoint transporter representatives to the ACT.
- (4) The transporter representatives must be representative of different transporters carrying on business in the Province.
- (5) If there is a reorganization, merger, or consolidation of transporters during any term of transporter representatives, the Transporters may appoint new members for the remainder of that term.
- (6) If the Transporters do not make an appointment under subsection (5) within 30 days of the reorganization, merger, or consolidation, the Board must send a request to the Transporters by registered mail, and if no appointment is made within 30 days of the registered mail being mailed the Board may appoint a transporter representative who has not been appointed in order to increase the number of transporter representatives to 3.
- (7) The transporter representatives shall identify and implement ways of including the input of the other transporters who are not on the ACT.

Costs

- 17**
- (1) The Board is responsible for the costs of the secretary and Board representatives.
 - (2) The transporter representatives are responsible for their own costs.
 - (3) All chair remuneration and ACT meeting costs must be shared equally between the Board and the Transporters, with the Board paying 50% of the costs and the transporter representatives each paying 25% of the costs.
 - (4) The remuneration or compensation paid to the chair of the ACT, and the terms of any contract for services with the chair, must be mutually agreeable between the Board and the Transporters.

Voting

- 18**
- (1) Each member of the ACT has one vote, with the exception of the chair, who does not have a vote.
 - (2) All decisions of the ACT must be unanimous among the voting members.

Arbitration

- 19**
- (1) If, at any time, the ACT is unable to reach a unanimous decision and the chair is of the opinion that all avenues that might lead to unanimity have been exhausted, or at least two-thirds of the voting members concur that the matter must be referred to arbitration, the chair, or failing the chair the secretary, must refer the matter to arbitration.
 - (2) A matter referred to arbitration must be referred to one of the arbitrators on the panel of arbitrators maintained for this purpose.
 - (3) The panel of arbitrators must only contain the names of those arbitrators who are mutually agreeable to both the Board and the Transporters, and who have agreed to the terms of reference for an arbitration under these regulations.

- (4) Upon the arbitrator being appointed, the hearing of the matter must be within 21 days of the appointment and the decision of the arbitrator must be delivered within 7 days of the conclusion of the hearing, unless both parties agree to extend either or both deadlines.
- (5) The decision of the arbitrator is final and binding on the Transporters and the Board.
- (6) All costs of the arbitration must be equally shared by the Board and the Transporters.

Notification of proposed Regulatory Amendments

- 20** (1) The Board must notify the transporter representatives and processor representatives of any proposed amendments to the regulations that are relevant to processors or transporters, as the case may be.
- (2) The transporter representatives and processor representatives have 30 days to raise concerns with the proposed amendments under subsection (1) by notifying the chair of their respective committee.
- (3) If the transporter representatives or processor representatives raise concerns with the proposed amendments, the chair of their respective committee must immediately convene a meeting to address the concerns.
- (4) The dispute resolution mechanisms in these regulations apply to any issues identified under subsection (2).

Notification to producers

- 21** The Board must notify producers of any proposed amendments to the regulations within a reasonable period of time.

Legislative History Reference Tables

Advisory Committee Regulations

N.S.
Reg. 247/2023

[Dairy Industry Act](#)

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Advisory Committee Regulations* made under the [Dairy Industry Act](#) includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
247/2023	Jan 1, 2024	date specified	Jan 12, 2024

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See [subsection 3\(6\)](#) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
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Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
1 Original text does not include any other subsections in Section 2 . Subsection 2(1) redesignated as Section 2 for the purposes of this consolidation.	

Repealed and Superseded

N.S. Regulation	Title	In force date	Repealed date
65/2001	<i>Advisory Committee Regulations</i>	Jun 21, 2001	Jan 1, 2024

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.